

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 UNITED STATES OF AMERICA,

6 Plaintiff-Respondent,

7 v.

8 MARIO ALBERTO HERRERA-PEREZ,

9 Defendant-Movant.

10 CASE NO. CR09-5601BHS

11 ORDER DENYING MOTION FOR
12 REDUCTION OF SENTENCE

13 This matter comes before the court on Defendant-Movant Mario Alberto Herrera-Perez' (Herrera-Perez') Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582. Dkt. 268. The court has reviewed the motion and the government's response (Dkt. 275).

14 Defendant seeks a reduction in sentence based on Amendment 788 to the Sentencing Guidelines which made Amendment 782 to USSG § 2D1.1. Because the sentence that Herrera-Perez is serving is the applicable mandatory minimum sentence required by 21 U.S.C. § 841(b)(1)(A), Defendant is ineligible for a reduction in sentence under 18 U.S.C. 3582(c)(2) and his motion should be denied.

15 NOW, THEREFORE, IT IS HEREBY ORDERED that Herrera-Perez' Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582 is DENIED.

16 Dated this 15th day of October, 2015.

17
18
19
20
21
22
23
24



BENJAMIN H. SETTLE
United States District Judge